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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLAUDIA SANCHEZ, ERIN WALKER and
WILLIAM SMITH, as individuals and on behalf
of all others similarly situated,

No. C 07-05923 WHA

Plaintiff(s),

**ORDER RE
REFERRAL
PURSUANT TO
CIVIL LOCAL RULE
3-15**

vs.
WELLS FARGO AND COMPANY,
WELLS FARGO BANK, N.A., and
DOES 1 through 125,

Defendant(s).

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This matter was referred to this judge as the General Duty Judge for the month of January, 2009, pursuant to a referral under the provisions of Civil Local Rule 3-15 and Federal Rule of Civil Procedure section 455.

The court, having reviewed the papers submitted by each party and Judge Alsup's referral order which have been treated as a "motion for disqualification", finds that there is no basis under section 455(a) or (b) for disqualification. There is nothing presented that offers even a hint that Judge Alsup's impartiality might reasonably be questioned or that he has any personal bias or prejudice concerning a party. Furthermore, the judge has indicated in his referral that he has no personal knowledge of any of the disputed facts in this case or that he or anyone with whom he previously practiced served as a lawyer in this matter or even a matter "related" to it. Judge Alsup served as counsel to a predecessor financial institution in an entirely unrelated matter over twenty

1 years ago. While there may be some vestigial remnants of facts that *may* be pertinent to some aspect
2 of this case, Judge Alsup has indicated that he has “no personal knowledge...that would bear upon”
3 the practices at issue in this matter.

4 Therefore, the court finds that none of the provisions of section 455(a) or (b) are met. The
5 court also notes that this case has been pending since 2007, and at the initial case management
6 conference Judge Alsup disclosed his involvement in the earlier case. Since that time he has heard
7 and ruled on motions for class certification and summary judgment as well as discovery matters.
8 Furthermore, while this court finds that Judge Alsup is not disqualified by reason of subsections (a)
9 or (b), subsection (f) would also counsel against reassignment. Therefore,

10 IT IS HEREBY ORDERED that the “motion for disqualification” is DENIED and this matter
11 is returned to Judge William H. Alsup for all further proceedings.

12
13 Date: January 29, 2009



MARILYN HALL PATEL
Judge
United States District Court
Northern District of California